(47)

HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 4694 OF 2000

PETITIONER — Smt. Sheela Devi w/o Mohan Singh
Aged 52 years, Cultivator of village – Saja, Tah. Saja, Distt. Durg (M.P.).
Resident of – Raj Family Khairagarh, Tah. Khairagarh, Distt. Rajnandgaon (MP)

Vs.

RESPONDENT

1. State Govt. of M.P.
Through The Secretary
Public Works Deptt. (B&R)
Vallabh Bhawan, Bhopal.
2. The Commissioner,
Raipur Division, Raipur.
3. Collector, Durg (M.P.)
(Land Acquisition Section)
4. Executive Engineer,
P.W.D. (B&R) Durg.

Present: Shri Ajay Shrivastava, learned counsel for the petitioner.
Shri Yashwant Singh, learned G.A. for the State.

ORAL ORDER
(Passed on 3rd April, 2006)

The grievance of the petitioner is that 1.40 acres of land comprised in Survey No.1108 of village Saja, Tahsil Saja, District Durg which land is hereinafter referred to as the "schedule land", was acquired by the State in exercise of its eminent domain of power for a public purpose, to wit, for construction of road by initiating proceedings under the provisions of Land Acquisition Act, 1894 (for short the Act). After issuing Section 4(1) Notification and Section 6 Declaration, the Land Acquisition Officer having conducted award enquiry, passed the award for compensation of Rs.12,67,567/- with interest at 12% from 15.12.1995 till the date of the award. However, in terms of the award, compensation was not paid to the

petitioner by the Land Acquisition Officer on the ground that the award passed by the Land Acquisition Officer is not approved by the Commissioner for Revenue on the ground that the land was acquired for relief work, therefore, no compensation need be paid. The reason given by the Commissioner, if I may say so, reflects perversity in reasoning and not at all tenable. There is no dispute between the parties that the land of the petitioner was acquired under the Act and the Land Acquisition Officer having conducted award enquiry passed the award. The petitioner-owner who has lost the land is required to be compensated in terms of the Act. Even assuming that the land of the petitioner was acquired and used in order to provide employment to the unemployed youth or persons in the village, as a social welfare measure, that fact would not deprive the petitioner from claiming compensation for the land lost by him.

(2) In the result, I allow the writ petition with costs and quash Annexure-P/8. A direction shall issue to the respondents to pay compensation to the petitioner forthwith in terms of the award dated 22.08.1996 (Annexure-P/7) passed by the Land Acquisition Officer. Advocate's fee is fixed at Rs.1,500/-.

Sd/-
Chief Justice